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State of California by and through California
Highway Patrol and Officer Ramon Silva

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SANDRA KIRKMAN AND
CARLOS ALANIZ,
INDIVIDUALLY AND AS
SUCCESSORS-IN-INTEREST TO
JOHN ALANIZ, DECEASED,

Plaintiff,

v.

STATE OF CALIFORNIA;
RAMON SILVA; AND DOES 1-10,
INCLUSIVE,

Defendant.

Case No.: 2:23-cv-07532-DMG-SSC

**DEFENDANTS STATE OF
CALIFORNIA BY AND THROUGH
CALIFORNIA HIGHWAY PATROL
AND OFFICER RAMON SILVA'S
MOTION TO STRIKE PORTIONS
OF PLAINTIFFS' OPPOSITION TO
DEFENDANTS' EX PARTE
APPLICATION FOR AN ORDER
TO STAY CASE PENDING
RESOLUTION OF APPEAL [DOC.
111]**

Courtroom: 8C
Judge: Hon. Dolly M. Gee

FPTC: March 25, 2025
Trial Date: April 15, 2025

The parties reached an agreement regarding the ex parte filing of their respective motion to stay and motion to deem defendants' appeal frivolous and agreed to dates for filing the motions and oppositions. Docs. 78, 79. The parties expressly agreed to waive replies. Docs. 78-1 ¶ 7.

Oppositions to the motions were due on March 19, 2025. Docs. 110, 111.

Defendants filed their opposition to plaintiffs' motion to deem their appeal frivolous on March 19 at 3:08 p.m. Doc. 110.

Plaintiffs filed their "opposition" to defendants' motion to stay on March 19 nearly 5 hours later at 7:54 p.m. Doc. 111.

1 A review of plaintiffs' "opposition" to defendants' motion to stay reveals
2 the "opposition" it is 10% opposition and 90% reply to defendants' opposition to
3 plaintiffs' motion to deem the appeal frivolous. Indeed, it addresses arguments
4 made and cases defendants cited in their opposition. *See* Doc. 78. And makes
5 arguments not made in their motion.

6 Defendants request that this Court strike pages 2:14-4:10 from Doc.
7 111. The parties agreed not to file replies and plaintiffs should not be allowed to
8 circumvent that agreement by using their opposition to defendants' motion to
9 stay as a reply to defendants' opposition to their motion to deem the appeal
10 frivolous.

11
12 Dated: March 21, 2025

Dean Gazzo Roistacher LLP

13
14 By: /s/ Lee H. Roistacher

15 Lee H. Roistacher
16 Attorneys for Defendants
17 State of California by and through
18 California Highway Patrol and
Officer Ramon Silva

19 **CERTIFICATION OF COMPLIANCE**

20 The undersigned, counsel of record for Defendants State of California by
21 and through California Highway Patrol and Officer Ramon Silva, certify that this
22 Motion To Strike Portions Of Plaintiffs' Opposition To Defendants' Ex Parte
23 Application For An Order To Stay Case Pending Resolution Of Appeal [Doc. 111]
24 contains 215 words, which:

25 X complies with the word limit of L.R. 11-6.1.

26 _____ complies with the word limit set by court order dated [date].

27 Dated: March 21, 2025

/s/ Lee H. Roistacher

28 Lee H. Roistacher, declarant